



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

LANSING

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

May 27, 2010

Mr. Peter Swenson, Chief
Watersheds and Wetlands Branch (WW-16J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Dear Mr. Swenson:

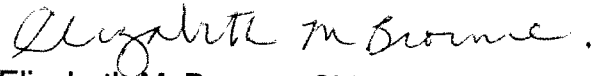
This week we were informed of questions that have been raised regarding federal-state cooperation and concurrence in respect to the review of the Woodland Road LLC application that was submitted to the Department of Natural Resources and Environment (DNRE) on October 8, 2009. Given the scope of the proposed activity, staff of the DNRE's Land and Water Management Division have coordinated closely with the United States Environmental Protection Agency's (USEPA) Region 5, in particular with Ms. Sue Elston and Ms. Melanie Haveman, throughout the review of the application. I have followed the review of the Woodland Road LLC proposal closely, and personally visited the proposed route during the pre-application period. I wish to confirm that the combined findings of the federal agencies are fundamentally consistent with the concerns of the DNRE. We had concerns that the road as proposed by Woodland Road LLC would have resulted in significant adverse resource impacts -- including direct impacts to 27 acres of wetland, and 23 stream crossings (six involving regulated floodplain). The availability of feasible and prudent alternatives, habitat fragmentation, and other secondary impacts were also major issues in this region of relatively intact, undisturbed wetlands and stream corridors. We recognize and appreciate the professional expertise that EPA and the other federal resource agencies contributed to the review of this project. While Woodland Road LLC withdrew the permit application on May 12, 2010, we anticipate that a modified application, if submitted, must include provisions to avoid and minimize identified impacts.

Throughout the 27 years of Michigan's administration of the Section 404 Program, Region 5 staff have supported a very effective and efficient state/federal partnership, contributing professionalism, scientific knowledge, and a willingness to work with DNRE staff to resolve the questions that arise in a program of this magnitude. The benefits of this partnership are nowhere more evident than when addressing a massive project such as the road proposed in the subject permit application. Although the issues presented by the Woodland Road LLC and the Kennecott mine are complex, we are confident that we can continue to work together to make proper decisions as required under both state and federal law. Please extend my appreciation to Ms. Elston and Ms. Haveman for their ongoing cooperation and assistance, and for their work on this

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and many other permit applications. Should you need to discuss this project directly, you can reach me at 517-241-9061 or brownee@michigan.gov.

Sincerely,



Elizabeth M. Browne, Chief
Land and Water Management Division
517-241-9061

cc: Ms. Sue Elston, USEPA
Ms. Melanie Haveman, USEPA
Ms. Colleen O'Keefe, DNRE